

REMARKS

Claims 1-20 are pending herein.

Claim 18 has been amended to ensure proper antecedent basis.

No new matter is added by this Amendment.

I. Rejection under 35 USC §112, Second Paragraph

Claim 18 was rejected by the Patent Office under 35 USC §112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection.

In particular, the Patent Office indicated that claim 18 recites the limitation of “personal computer,” depending on claim 11. However, this recited limitation lacks antecedent basis.

By this Amendment, claim 18 is amended to recite “computing device” in place of “personal computer.” The phrase “computing device” has antecedent basis in claim 11.

In view of the foregoing amendment to claim 18, Applicant submits that the claims are in proper condition for allowance. Reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection under 35 U.S.C. §102(b)

Claims 1-3, 7, 8, 10-13, 17, 18, and 20 were rejected under 35 U.S.C. §102(b) by the Patent Office as allegedly being anticipated by US Patent Application Publication No. 2002/0138386 to Welnicki et al. (hereinafter “Welnicki.”). Applicant respectfully traverses the rejection.

Throughout the Office Action Welnicki is cited as being US Patent Application Publication No. 2002/0138386. However, the application publication number for

Welnicki should be US Patent Application Publication No. 2002/0073005.

Applicant's representative spoke with Examiner Kang on April 14, 2008, who graciously confirmed that the rejection is based on US Patent Application Publication No. 2002/0073005 to Welnicki et al.

Welnicki fails to anticipate the present invention because Welnicki fails to describe each and every aspect of the present invention.

The present invention claims a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors. The system includes a computing device, one or more inputting means, one or more initializing means, a calculating means, and one or more transmitting means. (See, independent claims 1 and 11 of the present application.)

The calculating means of the present invention mathematically compares the current financial portfolio to the relative future financial position and determines a discrete symbolic rating.

Providing a discrete symbolic rating allows an investor immediately and easily understand how his/her current portfolio relates to his/her future financial goals. The discrete symbolic rating differs from the prior art in so much as the determined symbolic rating merely indicates a current financial position of an investor without also advising where or how investment strategies should be altered or modified. The discrete symbolic rating of the present invention is meant to be clear, simple, and concise so as to not burden the investor and cause greater confusion and stress.

In contrast, Welnicki teaches a computerized method for creating a customized lifestyle plan for a user. The computerized method of Welnicki allows a user to "enter information such as his or her monthly or yearly retirement income.

The system advantageously then works backwards from this total and helps the user create a desired retirement lifestyle, or dream retirement. The system may generate a list of retirement scenarios/options to choose from based on the retirement income that the user has entered.” (Emphasis added.) See, paragraph [0012] of Welnicki.

Welnicki consistently refers to “providing a lifestyle plan” and “creating a plan” and “presenting a plan” for the user based upon user input. See, for example, independent claims 1, 18, 26, and 27.

The “plan” of Welnicki is not a discrete symbolic rating as in the present invention. Welnicki seeks to provide a user with an actual strategy to reach the financial goals he or she wishes to achieve in retirement. Welnicki provides a sort of map including different types of investments that the user should make in order to reach their goals. Thus, the plan in Welnicki presents lists of bonds, mutual funds, and the like that a user should invest in to reach their desired goal.

In contrast, the present invention seeks to provide a simple means for an investor to see where they currently stand in comparison to their future financial goals. The present invention does not relate to actually providing financial advice to individual investors based upon amounts that they might input into a computer. Rather, the present invention merely provides a simple and concise score to an individual that would then either tell the individual that their current financial position relative to their retirement is acceptable or it would tell the individual that their current position is not going to allow them to meet their retirement goals. If they face the latter, it should serve as a warning to the individual to meet with a financial advisor to determine a strategy for meeting their retirement goals.

As such, Applicant respectfully submits that Welnicki fails to describe providing a discrete symbolic rating as in the present invention. Welnicki instead provides a plan of investments for a user.

As Welnicki fails to teach each and every aspect of the presently claimed invention, Welnicki fails to anticipate the present invention. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection.

III. Rejections under 35 USC §103(a)

A. Claims 4-6 and 14-16

Claims 4-6 and 14-16 were rejected under 35 USC §103(a) by the Patent Office as allegedly being obvious over Welnicki as applied above, and further in view of US Patent Application Publication No. 2004/0103050 to Long (hereinafter "Long"). Applicant respectfully traverses the rejection.

Claims 4-6 are dependent upon independent claim 1, and claims 14-16 are dependent upon independent claim 11.

Welnicki fails to render the present invention obvious.

As set forth above, Welnicki fails to teach or suggest providing a discrete symbolic rating based on comparing a current financial portfolio to a relative future financial position.

Instead, Welnicki teaches and suggests providing a full plan and strategy for a user to increase his or her abilities to reach his or her financial goals upon retirement.

Welnicki is interested in setting forth a plan and direction for a user. This is in drastic comparison to the present invention in which a discrete symbolic rating is provided which would then lead the investor to either take no action or to contact his

or her financial advisor to create an individualized strategy for meeting financial goals upon retirement.

As set for the above, the present invention is not creating and providing a strategic plan to assist a user in better arranging for a more positive financial setting upon retirement. Instead, the present invention merely is providing a concise, discrete indicator to an individual investor to quickly and easily determine whether or not their current investment strategy is leading in the proper direction. If the investment strategy is not leading in the proper direction, the individual investor would be encouraged to seek assistance from a financial expert.

The present invention is not providing a plan or strategy for correcting the financial future. Such plans must be carefully structured based on individualized needs. The present invention merely provides a simple to understand rating to understand the individual current financial position; it does not provide for a strategic plan as taught and suggested by Welnicki.

Nowhere does Welnicki teach or suggest anything but providing a strategic plan for the user. As such, Welnicki fails to teach or suggest the present invention.

Long fails to remedy the deficiencies of Welnicki.

Long was relied upon by the Patent Office as teaching that a “discrete symbolic rating is a letter grade, a numeric value, a unique set of figures, or a combination thereof.”

Long teaches a method for presenting information related to securities in one or more fixed income capital markets with visual representations constructed using color codes and real value ratings converted from corresponding ratings of the securities obtained from different sources. See, claim 1 of Long.

However, what Long fails to do is provide a discrete symbolic rating based on a current financial portfolio as compared to the relative future financial portion of an investor. Instead, Long merely teaches that a rating may be used as an identification scheme.

Further, Long teaches taking a rating scheme of other entity and translating it into its own relative rating scheme. As set forth in paragraph [0033] of Long, "There may be different sources of ratings with respect to a single bond such as Moodys' rating, Standard and Poors (S&P)'s rating, and Fitch's rating. Different rating institutions may adopt different symbolic rating schemes. For instance, rating 'AA+' from S&P may correspond to rating 'Aa1' (a different rating symbol) from Moodys. In addition, ratings issued from different rating institutions with respect to a single bond may differ. For instance, for bond X, Moodys may have a rating of 'Aaa' (corresponding to rating 'AAA' of S&P's) but S&P may give a different rating 'AA+' (corresponding to rating 'Aa1' of Moodys which is a lower rating than 'Aaa') with regard to the credit quality of the same bond."

The rating system of Long does not teach or suggest providing a discrete symbolic rating based upon comparing the current financial portfolio to the relative financial position of an investor as claimed in the present application.

For the foregoing reasons, Applicant submits that Welnicki and Long, whether taken singly or in combination, fail to teach or suggest the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Claims 9 and 19

Claims 9 and 19 were rejected under 35 USC §103(a) by the Patent Office as allegedly being obvious over Welnicki as applied above, and further in view of US

Patent Application Publication No. 2004/0073442 to Heyns et al. (hereinafter "Heyns"). Applicant respectfully traverses the rejection.

Dependent claims 9 and 19 are dependent upon independent claims 1 and 11, respectively.

Welnicki fails to render the claimed present invention obvious.

As set forth above, Welnicki is interested in setting forth a plan and direction for a user. This is in drastic comparison to the present invention in which a discrete symbolic rating is provided which would then lead the investor to either take no action or to contact his or her financial advisor to create an individualized strategy for meeting financial goals upon retirement.

As set for the above, the present invention is not creating and providing a strategic plan to assist a user in better arranging for a more positive financial setting upon retirement. Instead, the present invention merely is providing a concise, discrete indicator to an individual investor to quickly and easily determine whether or not their current investment strategy is leading in the proper direction. If the investment strategy is not leading in the proper direction, the individual investor would be encouraged to seek assistance from a financial expert.

For the foregoing reasons, Applicant submits that Welnicki fails to teach or suggest the present invention.

Heyns fails to remedy the deficiencies of Welnicki.

Heyns was relied upon by the Patent Office as disclosing a transmitting means in the form of a monthly statement forwarded to one or more investors.

However, like Welnicki, Heyns fails to teach or suggest providing a discrete symbolic rating based upon comparing the current financial portfolio to the relative financial position of an investor as in the present application.

For the foregoing reasons, Applicant submits that Welnicki and Heyns, whether taken singly or in combination, fail to teach or suggest the present invention. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Lafkas', enclosed within a large, loopy oval flourish.

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